

In re application of : F. Randall Murray II
U.S. Serial No. : 10/675,121
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For : APPARATUS, METHOD, AND COMPUTER
PROGRAM FOR PROVIDING INSTANT MESSAGES
RELATED TO A CONFERENCE CALL
Group No. : 2444
Examiner : Joiya M. Cloud
Confirmation No. : 4965

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents
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APPEAL BRIEF UNDER 37 C.F.R. § 41.37

This Appeal Brief under 37 C.F.R. § 41.37 ("Appeal Brief") is in furtherance of Appellant's Notice of Appeal and Pre-Appeal Brief Request for Review filed on September 3, 2010. A Notice of Panel Decision from Pre-Appeal Brief Review was mailed on October 7, 2010 and set at least a one-month period for filing the Appeal Brief. Appellant respectfully requests a two (2) month extension of time for filing the Appeal Brief. The response period is presently set to expire on November 7, 2010 and, if the extension is granted, the new response date will be January 7, 2011. Please charge \$1,030.00 for the Appeal Brief filing fee (\$540.00) and two (2) month extension fee (\$490.00) to Nortel Networks Deposit Account No. 14-1315. No further additional fees are believed to be necessary; however, in the event that any fees are required for the prosecution of this application, please charge any necessary fees to Nortel Networks Deposit Account No. 14-1315.

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REAL PARTY IN INTEREST

The real party in interest is the assignee of this application, NORTEL NETWORKS LIMITED, a corporation having a place of business at 5945 Airport Road, Suite 360, Mississauga, Ontario, Canada L4V1R9. The Assignment from the inventors to NORTEL NETWORKS LIMITED was recorded in the Patent and Trademark Office on September 30, 2003, at Reel 014586, Frame 0635.

RELATED APPEALS OR INTERFERENCES

There are no known appeals or interferences that will directly affect, be directly affected by, or have a bearing on the Board's decision in this pending appeal.

STATUS OF CLAIMS

Claims 1-32 are pending and rejected by the Office Action dated March 3, 2010. Claims 1-32 are presented for appeal. A complete and current listing of Claims 1-32 is included in Appendix A.

STATUS OF AMENDMENTS

No amendments were submitted and refused entry after the Office Action dated March 3, 2010.

SUMMARY OF CLAIMED SUBJECT MATTER

The following summary refers to disclosed embodiments and their advantages but does not delimit any of the claimed inventions.

General Summary

Various embodiments are generally directed to conferencing systems and, more specifically, to an apparatus, method, and media application server for providing instant messages related to a conference call. A call conferencing apparatus, method, and media application server detect one or more events that are related to a conference call. The apparatus, method, and media application server then send one or more instant messages to one or more participants associated with the conference call. The one or more events may include, for example, a participant joining the conference call, a participant exiting the conference call, a participant failing to log into the conference call correctly, a participant transferring to another communication device during the conference call, a beginning of the conference call, and/or an end of the conference call.

Support for Independent Claims

Note that, per 37 C.F.R. § 41.37, only the independent claims are discussed in this section, as well as any claims including means-plus-function language that are argued separately below. In the arguments below, however, various dependent claims may also be discussed and distinguished from the prior art. The discussion of the claims is for illustrative purposes and is not intended to affect the scope of the claims.

Independent Claim 1 recites a method for call conferencing in an Internet Protocol (IP)

communications network.¹ The method includes controlling a conference call with a server within the IP network.² The method further includes detecting an event associated with the conference call, where the conference call is associated with a plurality of participants within the IP network.³ The method further includes generating at the server one or more instant message associated with the detected event.⁴ The one or more instant messages have a Session Initiation Protocol (SIP) format.⁵ The method also includes communicating the one or more SIP instant messages from the server to one or more of the participants.⁶

Independent Claim 11 recites an apparatus for call conferencing in an Internet Protocol (IP) communications network.⁷ The apparatus includes one or more ports operable to receive at least one channel of a plurality of IP channels for a communication session, where at least one channel has information from at least two of a plurality of conference call participants.⁸ The apparatus further includes one or more processors.⁹ The one or more processors are collectively operable to detect an event associated with the conference call, where the conference call is associated with the plurality of participants within the IP network,¹⁰ generate at the apparatus one or more instant message associated with the detected event,¹¹ the one or more instant messages

1 See Specification, page 18, line 29 through page 19, line 3; page 6, lines 18-25; page 10, lines 6-12.

2 See Specification, page 10, lines 6-12; Figure 3.

3 See Specification, page 10, lines 7-13; Figure 3.

4 See Specification, page 19, line 26 through page 20, line 16; Figures 1, 2, and 3.

5 See Specification, page 19, line 29 through page 20, line 3.

6 See Specification, page 20, lines 17-20; Figure 3.

7 See Specification, page 6, lines 18-25; page 10, lines 6-12; Figures 1 and 2.

8 See Specification, page 16, lines 7-12; Figure 2.

9 See Specification, page 8, lines 12-15; Figure 1.

10 See Specification, page 17, line 26 through page 18, line 2; page 19, lines 7-13.

11 See Specification, page 10, lines 13-27.

having Session Initiation Protocol (SIP) format,¹² and communicate the one or more SIP instant messages to one or more of the participants.¹³

Independent Claim 20 recites a media application server in an Internet Protocol (IP) communications network,¹⁴ the media application server includes one or more processors for executing instructions.¹⁵ The instructions are for controlling a conference call within the IP network,¹⁶ detecting an event associated with a conference call, where the conference call is associated with a plurality of participants within the IP network,¹⁷ generating at the server one or more instant message associated with the detected event,¹⁸ the one or more instant messages having Session Initiation Protocol (SIP) format,¹⁹ and communicating one or more instant messages to one or more of the participants.²⁰

¹² See Specification, page 15, lines 4-17.

¹³ See Specification, page 10, lines 13-27.

¹⁴ See Specification, page 6, lines 18-25; page 10, lines 6-12; Figures 1 and 2.

¹⁵ See Specification, page 8, lines 12-15; Figure 1.

¹⁶ See Specification, page 14, line 27 through page 18, line 7.

¹⁷ See Specification, page 17, line 26 through page 18, line 2; page 19, lines 7-13.

¹⁸ See Specification, page 10, lines 13-27.

¹⁹ See Specification, page 15, lines 4-17.

²⁰ See Specification, page 10, lines 13-27.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

1. Are Claims 1-9, 11-18, 20-24 and 26-32 unpatentable under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0014488 to Dalal (hereinafter "Dalal")?

2. Are Claims 10, 19 and 25 unpatentable under 35 U.S.C. § 103 as being rendered obvious by U.S. Patent Publication No. 2003/0014488 to Dalal et al in view of U.S. Patent No. 6,618,746 to Desai (hereinafter "Desai")?

ARGUMENTS

Grouping of Claims

The claims on appeal do not stand or fall together, as may be seen from the arguments set forth herein. Each claim or group of claims that has been argued separately under a separate subheading should be considered separately. While the Appellant recognizes that a formal statement regarding the grouping of claims is no longer required, each claim should be considered separately, or at the very least each claim that is argued separately in the preceding sections of this brief should be considered separately.

Legal Standards

Rejections under 35 U.S.C. §102

MPEP § 2131 specifies that:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "When a claim covers several structures or compositions, either generically or as alternatives, the claim is deemed anticipated if any of the structures or compositions within the scope of the claim is known in the prior art." *Brown v. 3M*, 265 F.3d 1349, 1351, 60 USPQ2d 1375, 1376 (Fed. Cir. 2001) (claim to a system for setting a computer clock to an offset time to address the Year 2000 (Y2K) problem, applicable to records with year date data in "at least one of two-digit, three-digit, or four-digit" representations, was held anticipated by a system that offsets year dates in only two-digit formats). See also MPEP § 2131.02. "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The

elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). Note that, in some circumstances, it is permissible to use multiple references in a 35 U.S.C. 102 rejection. See MPEP § 2131.01.

Under 35 U.S.C. § 102, MPEP § 2131.01, the Examiner may combine another reference, which further explains that:

Normally, only one reference should be used in making a rejection under 35 U.S.C. 102. However, a 35 U.S.C. 102 rejection over multiple references has been held to be proper when the extra references are cited to:

- (A) Prove the primary reference contains an “enabled disclosure;”
- (B) Explain the meaning of a term used in the primary reference;
- or
- (C) Show that a characteristic not disclosed in the reference is inherent.

In order to meet the second criterion for introducing additional references, MPEP § 2131.01 II specifies that:

Extrinsic evidence may be used to explain but not expand the meaning of terms and phrases used in the reference relied upon as anticipatory of the claimed subject matter.

In order to meet the third criterion for introducing additional references, MPEP § 2131.01 III specifies that

“To serve as an anticipation when the reference is silent about the asserted inherent characteristic, such gap in the reference may be filled with recourse to extrinsic evidence. Such evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill.” *Continental Can Co. USA v. Monsanto Co.*, 948 F.2d 1264, 1268, 20 USPQ2d 1746, 1749 (Fed.Cir. 1991)

The Dalal Reference

Dalal provides a conferencing system for Voice over IP. The system also provides messaging and presence and availability management. The reference purports to describe a real-time communications platform to provide multimedia, real-time conferencing.

The Desai Reference

Desai provides a survey network system for gathering information across a network. The system includes a questionnaire server, a communication interface, a questionnaire distributor, a questionnaire designer, and a questionnaire library.

Ground of Rejection #1

Claims 1-9, 11-18, 20-24 and 26-32 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Dalal (US Patent Application Publication No. 2003/0014488).

Ground of Rejection #2

Claims 10, 19 and 25 stand rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent Publication No. 2003/0014488 to Dalal et al in view of U.S. Patent No. 6,618,746 to Desai (hereinafter “Desai”).

Claims 1-32

Independent Claim 1 recites:

A method for call conferencing in an Internet Protocol (IP) communications network, the method comprising:
controlling a conference call with a server within the IP network;
detecting an event associated with the conference call, the conference call associated with a plurality of participants within the IP network;
generating at the server one or more instant message associated with the detected event, the one or more instant messages having Session Initiation

Protocol (SIP) format; and
communicating the one or more SIP instant messages from the server to one or more of the participants.

Independent Claim 11 recites:

An apparatus for call conferencing in an Internet Protocol (IP) communications network, comprising:

one or more ports operable to receive at least one channel of a plurality of IP channels for a communication session, the at least one channel having information from at least two of a plurality of conference call participants; and
one or more processors collectively operable to:

detect an event associated with the conference call, the conference call associated with the plurality of participants within the IP network ;

generate at the apparatus one or more instant message associated with the detected event, the one or more instant messages having Session Initiation Protocol (SIP) format; and

communicate the one or more SIP instant messages to one or more of the participants.

Independent Claim 20 recites:

A media application server in an Internet Protocol (IP) communications network, the media application server comprising one or more processors for executing instructions for:

controlling a conference call within the IP network;

detecting an event associated with a conference call, the conference call associated with a plurality of participants within the IP network;

generating at the server one or more instant messages associated with the detected event, the one or more instant messages having Session Initiation Protocol (SIP) format; and

communicating one or more instant messages to one or more of the participants.

The Final Office Action dated March 3, 2010 ("Final Office Action") argues that Dalal's service provider conference controller (SPCC) – as shown and described in Figure 1 and paragraph [0022] – meets the first recited element. The Final Office Action also asserts that Dalal's system can detect an event, such as a telephone user hanging up during a conference call

(citing to paragraph [0092]).

Next, the Final Office Action argues that Dalal [0092] teaches “communicating one or more instant messages associated with the detected event from the server to one or more of the participants by communicating the instant message to a network device external to the server.” Final Office Action, at page 3. More particularly, the Final Office Action points to a NOTIFY-HANG-UP request as equivalent to the recited instant message. However, the Office Action does not address the following claim language and fails to point to any portion of Dalal to support a finding of anticipation:

1. generating at the server one or more instant messages;
2. the one or more instant messages having Session Initiation Protocol (SIP) format;
3. communicating the one or more SIP instant messages from the server to one or more of the plurality of participants.

To show the deficiencies in the § 102 rejection, Applicant sets forth below in its entirety paragraph [0092] on which the Final Office Action relies as teaching each of the three above-identified claim elements:

[0092] When the telephone user hangs up the phone, the VoIP-PSTN GATEWAY alerts the SM of the PSTN PROXY, which in turn releases resources used by the MIXER and ROUTER and then sends a NOTIFY-HANG-UP request to the SPMS. This request may include, but is not limited to, the CID of the conference and the telephone number. Upon receiving this request, the SPMS updates its conference database record and sends back a NOTIFY-HANG-UP-OK response to the SM of the SPMS. In addition, the SPMS may relay the NOTIFY-HANG-UP request to the SPCC, which in turn, alerts the conference participants of the membership change as described earlier in this patent.

Thus, when the user hangs up, the VoIP-PSTN GATEWAY generates and sends a message to the PSTN PROXY, which in turn, generates and sends a NOTIFY-HANG-UP-OK request

message to the SPMS, which in turn, may forward the NOTIFY request message generated by the PSTN PROXY to the SPCC (the server), which in turn, alerts the conference participants of the membership change “as described earlier in the patent.” Dalal, [0092].

The Examiner equates the SPCC to the recited “server.” Yet, nowhere in the cited paragraph [0092] is there any disclosure that the SPCC “generates” an instant message. Rather, the SPCC is described as being limited to only receiving and “forwarding” the NOTIFY request message generated by the SPMS (which is not identified as the “server” in the Final Office Action).

Moreover, nowhere in the cited paragraph [0092] is there any disclosure or description of how the SPCC “alerts” the conference participants of the hang-up event. Dalal merely states that the conference participants are “alerted,” with no further description in the cited paragraph as to how the participants are alerted, and by what means, or by what type of alert. Clearly, the cited portion of Dalal does not disclose or describe “instant messages” as that term is described and utilized in Applicant’s Specification. In addition, nowhere in cited paragraph [0092] is there any description or teaching that the “alert” – whatever that may be – is in a SIP format.²¹

Notwithstanding the Examiner’s sole reliance on paragraph [0092] of Dalal, Applicant points out that the description of a generic “alert” in paragraph [0092] does also refer to “as described earlier in this patent.” It is Applicant’s understanding that this reference is to Dalal’s description of a participant leaving the conference call (paragraphs [0068]–[0069]). As

²¹ While Dalal does refer to SIP INVITE request messages, these are in reference to setting up the conference call upon receipt of a CALL request. Dalal, paragraph 0089.

described in Dalal's paragraph [0068], when a participant sends a LEAVE request, the "SPCC also notifies the current conference participants of the membership change by sending NOTIFY-CONF-MESSAGES . . . " Similar to paragraph [0092], this description lacks any teaching or disclosure that the SPCC (which the Examiner equates to the recited "server") generates an "instant message." The cited portion also fails to provide any disclosure or description of how the SPCC sends a NOTIFY-CONF-MESSAGE or of its message format. Clearly, this additional portion of Dalal does not disclose or describe "instant messages" as that term is described and utilized in the Applicant's specification. Further, nowhere in cited paragraph [0068] is there any description or teaching that the NOTIFY-CONF-MESSAGE is in a SIP format.

The Examiner utilized the same rationale for rejecting the other independent Claims 11 and 20. Further, the Desai reference does not provide the missing elements and limitations noted above. Therefore, Applicant respectfully submits that these claims, as well as all dependent claims, likewise are not anticipated by Dalal, or rendered obvious (Claims 10, 19 and 25) by Dalal in view of Desai.

Conclusion

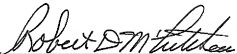
The Appellant respectfully submits that the cited references are improper for reasons detailed above and requests that the rejections under § 102 and § 103 be withdrawn, and that all pending claims be allowed.

REQUESTED RELIEF

The Board is respectfully requested to reverse the outstanding rejections and return this application to the Examiner for allowance.

Respectfully submitted,
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Date: 1/7/2011


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APPENDIX A -

CLAIMS APPENDIX

1. (Previously Presented) A method for call conferencing in an Internet Protocol (IP) communications network, the method comprising:
 - controlling a conference call with a server within the IP network;
 - detecting an event associated with the conference call, the conference call associated with a plurality of participants within the IP network;
 - generating at the server one or more instant messages associated with the detected event, the one or more instant messages having Session Initiation Protocol (SIP) format; and
 - communicating the one or more SIP instant messages from the server to one or more of the participants.

2. (Previously Presented) The method of Claim 1, wherein:
 - the event comprises a chairperson of the conference call joining the conference call; and
 - the one or more SIP instant messages identify at least one of a number of participants who have joined the conference call and a name of each participant who has joined the conference call.

3. (Previously Presented) The method of Claim 2, wherein the one or more SIP instant messages identify at least one of a number of participants who have joined and exited the conference call and a name of each participant who has joined and exited the conference call.
4. (Previously Presented) The method of Claim 1, wherein:
 - the event comprises one of the participants at least a one of joining the conference call and exiting the conference call; and
 - the one or more SIP instant messages identify a name of the participant who has at least a one of joined the conference call and exited the conference call.
5. (Previously Presented) The method of Claim 1, wherein:
 - the one or more SIP messages are transmitted to the one or more participants via a SIP application server external to the server.

6. (Previously Presented) The method of Claim 1, wherein:
the event comprises one of a beginning and an end of the conference call; and
the one or more SIP instant messages identify that the conference call has one of begun and ended.
7. (Previously Presented) The method of Claim 1, wherein:
the event comprises one of the participants failing to provide a correct pass code when attempting to join the conference call; and
the one or more SIP instant messages are communicated to a chairperson and identify the participant, an incorrect pass code provided by the participant, and the correct pass code.
8. (Previously Presented) The method of Claim 1, wherein:
the event comprises a chairperson of the conference call exiting the conference call; and
the one or more SIP instant messages indicate that the conference call will end after a specified amount of time.

9. (Previously Presented) The method of Claim 1, wherein:
the event comprises one of the participants transferring the conference call from one communication device to another communication device; and
the one or more SIP instant messages indicate that the participant transferred communication devices and is transmitted to the chairperson.
10. (Previously Presented) The method of Claim 1, wherein:
the event comprises an end to the conference call;
the one or more SIP instant messages comprise a survey; and
further comprising:
receiving one or more responses from one or more of the participants containing answers to the survey;
tabulating the answers; and
communicating one or more SIP instant messages containing the tabulated answers to a chairperson of the conference call.

11. (Previously Presented) An apparatus for call conferencing in an Internet Protocol (IP) communications network, comprising:

one or more ports operable to receive at least one channel of a plurality of IP channels for a communication session, the at least one channel having information from at least two of a plurality of conference call participants; and

one or more processors collectively operable to:

detect an event associated with the conference call, the conference call associated with the plurality of participants within the IP network ;

generate at the apparatus one or more instant messages associated with the detected event, the one or more instant messages having Session Initiation Protocol (SIP) format; and

communicate the one or more SIP instant messages to one or more of the participants.

12. (Previously Presented) The apparatus of Claim 11, wherein:

the event comprises a chairperson of the conference call joining the conference call; and
the one or more SIP instant messages identify at least one of a number of participants who have joined the conference call and a name of each participant who has joined the conference call.

13. (Previously Presented) The apparatus of Claim 11, wherein:

the event comprises one of the participants at least a one of joining the conference call and exiting the conference call; and

the one or more SIP instant messages identify a name of the participant who has at least a one of joined the conference call and exited the conference call.

14. (Previously Presented) The apparatus of Claim 11, wherein:
the one or more SIP messages are transmitted to the one or more participants via a SIP application server external to the server.
15. (Previously Presented) The apparatus of Claim 11, wherein:
the event comprises one of a beginning and an end of the conference call; and
the one or more SIP instant messages identify that the conference call has one of begun and ended.
16. (Previously Presented) The apparatus of Claim 11, wherein:
the event comprises one of the participants failing to provide a correct pass code when attempting to join the conference call; and
the one or more SIP instant messages are communicated to a chairperson and identify the participant, an incorrect pass code provided by the participant, and the correct pass code.
17. (Previously Presented) The apparatus of Claim 11, wherein:
the event comprises a chairperson of the conference call exiting the conference call; and
the one or more SIP instant messages indicate that the conference call will end after a specified amount of time.
18. (Previously Presented) The apparatus of Claim 11, wherein:
the event comprises one of the participants transferring the conference call from one communication device to another communication device; and
the one or more SIP instant messages indicate that the participant transferred communication devices and is transmitted to the chairperson.

19. (Previously Presented) The apparatus of Claim 11, wherein:
the event comprises an end to the conference call;
the one or more SIP instant messages comprise a survey; and
the one or more processors are further collectively operable to:
receive one or more responses from one or more of the participants containing answers to the survey;
tabulate the answers; and
communicate one or more SIP instant messages containing the tabulated answers to a chairperson of the conference call.
20. (Previously Presented) A media application server in an Internet Protocol (IP) communications network, the media application server comprising one or more processors for executing instructions for:
controlling a conference call within the IP network;
detecting an event associated with a conference call, the conference call associated with a plurality of participants within the IP network;
generating at the server one or more instant messages associated with the detected event, the one or more instant messages having Session Initiation Protocol (SIP) format; and
communicating one or more instant messages to one or more of the participants.
21. (Previously Presented) The media application server of Claim 20, wherein:
the event comprises a chairperson of the conference call joining the conference call; and
the one or more SIP instant messages identify at least one of a number of participants who have joined the conference call and a name of each participant who has joined the conference call.

22. (Previously Presented) The media application server of Claim 20, wherein:
the event comprises one of the participants at least a one of joining the conference call
and exiting the conference call; and
the one or more SIP instant messages identify a name of the participant who has at least a
one of joined the conference call and exited the conference call.
23. (Previously Presented) The media application server of Claim 20, wherein:
the one or more SIP messages are transmitted to the one or more participants via a SIP
application server external to the server.
24. (Previously Presented) The media application server of Claim 20, wherein:
the event comprises one of a beginning and an end of the conference call; and
the one or more SIP instant messages identify that the conference call has one of begun
and ended.

25. (Previously Presented) The media application server of Claim 20, wherein:
the event comprises an end to the conference call;
the one or more SIP instant messages comprise a survey; and
further comprising computer readable program code for:
receiving one or more responses from one or more of the participants containing
answers to the survey;
tabulating the answers; and
communicating one or more SIP instant messages containing the tabulated
answers to a chairperson of the conference call.
26. (Previously Presented) The method of Claim 1 wherein the one or more SIP messages
are communicated directly from the server to the one or more participants.
27. (Previously Presented) The method of Claim 1 wherein, before a conference call begins
the server is informed of the one or more participants in the conference call, when the conference
call starts the one or more SIP messages indicating the conference call has begun are
communicated to each of the one or more participants.
28. (Previously Presented) The method of Claim 1 wherein each of the one or more
participants has associated therewith a plurality of communications devices, and the one or more
SIP instant messages are sent to each of the plurality of devices.
29. (Previously Presented) The apparatus of Claim 11 wherein the one or more SIP messages
are communicated directly from the apparatus to the one or more participants.

30. (Previously Presented) The apparatus of Claim 11 wherein, before a conference call begins the one or more processors are informed of the one or more participants in the conference call, when the conference call starts the one or more SIP messages indicating the conference call has begun are communicated to each of the one or more participants.

31. (Previously Presented) The media application server of Claim 20 wherein the one or more SIP messages are communicated directly from the apparatus to the one or more participants.

32. (Previously Presented) The media application server of Claim 20 wherein, before a conference call begins the media application server is informed of the one or more participants in the conference call, when the conference call starts the one or more SIP messages indicating the conference call has begun are communicated to each of the one or more participants.

APPENDIX B -
Evidence Appendix

- A. U.S. Patent Publication No. 2003/0014488 to Dalal et al. (“Dalal”) found on page 2 of the Final Office Action (dated March 3, 2010).
- B. U.S. Patent No. 6,618,746 to Desai et al. (“Desai”) found on page 7 of the Final Office Action (dated March 3, 2010).

APPENDIX C -
Related Proceedings Appendix

Not Applicable -- To the best knowledge and belief of the undersigned attorney, there are none.